

Notice of Allowability

Application No.

10/737,019

Examiner

Amy J. Sterling

Applicant(s)

METTLER ET AL.

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 5/8/06.
2. ☒ The allowed claim(s) is/are 1-6, 11-20, 22-25, 27, 28, 30 and 32-37.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

Notice of Allowance

This is the Notice of Allowance for application number 10/737,019 Base Support for Post or Other Upright, filed on 12/16/03. Claims 1-6, 11-20, 22-25, 27, 28, 30, 32-37 are allowed.

Reasons for Allowance

The following is an examiner's statement of reasons for allowance:

With regards to claims 1-6, 8, 11-20 and 22, the prior art does not teach wherein the mounting hole has a maximum width in the length of the base member and the width is less than the intermediate length of the other side wall and extends widthwise outwardly beyond the end lengths of the other side wall.

With regards to claims 23-25, 27 and 28 the reason is that the prior art does not teach wherein the mounting hole is substantially square shaped with four sides extending through the intermediate width of the base member.

With regards to claims 30 and 32, the reason is that the prior art does not teach wherein the base member is substantially hollow and has a fill hole in one of the angled surfaces of the top wall adjacent one end or wherein one of the top and bottom walls has a plurality of axially spaced apart stacking ribs and the top and bottom walls has corresponding recesses or wherein the base member has solid opposite end portions that are substantially thinner than an intermediate length of the base member having anti-skid pads having a diameter greater than the width of the end portions and are attached to a the bottom wall at the end portions.

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With regards to claims 33 and 34, the prior art does not teach wherein the base member has solid opposite end portions that are substantially thinner than an intermediate length of the base member with annular anti-skid pads having a diameter greater than the wide of the end portion attached to the bottom wall at the end portions.

With regards to claims 35-37, the reason is that the prior art does not teach wherein the mounting hole is substantially square shaped with four sides extending through the intermediate width of the base member and has longitudinally extending ribs on all four sides and that the carrying handle extends axially from the exterior of one end portion of the intermediate length of the of the other side wall and along an exterior portion of one of the end length of the other side wall.

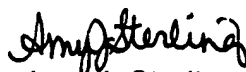
Conclusion

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication should be directed to Amy J. Sterling at telephone number 571-272-6823. The examiner can normally be reached (M-F 8 a.m.-5:00 p.m.). If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Robert Olszewski at 571-272-6788. The fax machine number for the -Technology center is 571-273-8300 (formal amendments) or 571-273-6823

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(informal amendments/communications). Any inquiry of a general -nature or relating to the status of this application should be directed to the Technology Center receptionist at 571-272-3600.


Amy J. Sterling
Primary Examiner
5/17/06